

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

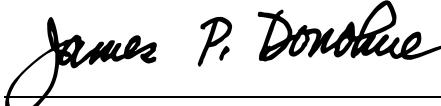
DAVID BRUCE, )  
Petitioner, ) CASE NO. C10-1877-RSM-JPD  
v. )  
A. NEIL CLARK, Field Office Director, U.S.) REPORT AND RECOMMENDATION  
Immigration and Customs Enforcement, )  
Respondent. )  
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)

On December 2, 2010, petitioner, proceeding pro se, filed a Petition for Writ of Habeas  
s pursuant to 28 U.S.C. § 2241, challenging his custody by the U.S. Immigration and  
n Enforcement. (Dkt. No. 8.) On January 5, 2011, however, respondent filed a  
n to Dismiss along with documentation, which indicates that petitioner was released from  
ration custody pursuant to an Order of Supervision on December 15, 2010. (Dkt. No. 11  
) Respondent contends that this matter has become moot and should be dismissed. *Id.*

For a federal court to have jurisdiction, “an actual controversy must exist at all stages of litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer a party to the underlying case, the case is moot.

01 longer detained by ICE, the Court finds that petitioner's habeas petition has become moot and  
02 should be dismissed without prejudice. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th  
03 Cir. 1992)(holding that the District Court properly dismissed plaintiff's claims that had become  
04 either moot or unripe). A proposed Order accompanies this Report and Recommendation.

05 DATED this 7th day of January, 2011.

06   
07 JAMES P. DONOHUE  
08 United States Magistrate Judge  
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